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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,262	02/06/2004	Hiroki Tamai	248571US6	4438
22850	7590	08/08/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			AMADIZ, RODNEY	
			ART UNIT	PAPER NUMBER
			2629	
			NOTIFICATION DATE	DELIVERY MODE
			08/08/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/772,262	TAMAI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	RODNEY AMADIZ	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 May 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3 and 5-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 5-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/29/08</u> .   | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, 7, 8, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al. (U.S. Patent 6,977,811—herein referred to as “Fleck”) in view of Goodman et al. (U.S. Patent 6,100,875—herein referred to as “Goodman”) and further in view of Harada et al. (U.S. Patent 6,072,476—herein referred to as “Harada”).

As to **Claim 1**, Fleck teaches an information processing apparatus comprising: a display (***Fig. 1, Reference Number 108***); a main unit (***Figs. 1 and 3***) provided with a keyboard (***110***) having a plurality of operation keys including an enter key (“***return key***”); a pointing device configured to move a pointer appearing on the display in a desired direction (***Fleck—Fig. 3, Reference Number 300 and Col. 4, lines 42-45 and 50***); and a plurality of cursor keys (***Fig. 3, Reference Numbers 302, 304, 306 and 308***), the cursor keys being arranged near the pointing device (***Fig. 3—note the position of cursor keys relative to the pointing device and Col. 3, lines 10-28***); and a confirmation button (***300***) configured to confirm an item selected by said pointing device or said cursor keys (***Col. 4, lines 40-58***), the confirmation button being positioned near said cursor keys (***Fig. 3—note the position of cursor keys (302, 304, 306 and 308)***).

***relative to the confirmation button (300)***) and wherein said pointing device, said plurality of cursor keys, and said confirmation button are positioned between said display and said keyboard (***Figs. 1 and 3—note position of common buttons and cursor keys 302-308 near the hinge).***

Fleck, however, fails to teach the cursor keys configured to move a cursor appearing on the display in predetermined directions. Examiner cites Goodman to teach cursor keys configured to move a cursor appearing on the display in predetermined directions (***Fig. 1a, Reference Numbers 110, 112, 114 and 116 and Col. 3, lines 45-67***). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the functions of cursor keys (i.e. moving a cursor on a display screen) as taught by Goodman in the information processing apparatus taught by Fleck in order to perform mouse-like operations without the necessity of a flat, steady surface (***Goodman—Col. 1, lines 56-62***).

Fleck, as modified by Goodman, also fails to teach a switching button configured to rotate a display screen of said display by 90 degrees. Examiner cites Harada to teach a switch button (***Fig. 9, Reference Number 65B***) configured to switch a direction of the display (***Col. 11, lines 19-30***). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the use of a switch button as taught by Harada in the information processing apparatus taught by Fleck, as modified by Goodman in order to provide the user the option of displaying an image in portrait or landscape (***Harada—Col. 13, lines 17-21***).

As to **Claim 7**, Fleck teaches an information processing apparatus comprising: a display (**Fig. 1, 108**); a main unit (**Figs. 1 and 3**) provided with a keyboard (**110**) having a plurality of operation means (**Fig. 3 note section 110**) for inputting an operation command including enter means for inputting an enter command (“*return*” key); pointing means for moving a pointer appearing on the display in a desired direction (**Fig. 3, Reference Number 300 and Col. 4, lines 42-45 and 50**); cursor moving means (**Fig. 3, Reference Numbers 302, 304, 306 and 308**) being arranged near the pointing device (**Fig. 3—note the position of cursor keys relative to the pointing device and Col. 3, lines 10-28**); and confirmation means (**300**) for confirming an item selected by said pointing means or said cursor moving means (**Col. 4, lines 40-58**), the confirmation means positioned near said cursor moving means (**Fig. 3—note the position of cursor keys (302, 304, 306 and 308) relative to the confirmation button (300)**), wherein said pointing means, said cursor means, and said confirmation means are positioned between said display and said keyboard (**Figs. 1 and 3—note position of common buttons and cursor keys 302-308 near the hinge**).

Fleck, however, fails to teach the cursor moving means configured to move a cursor appearing on the display in predetermined directions. Examiner cites Goodman to teach cursor keys configured to move a cursor appearing on the display in predetermined directions (**Fig. 1a, Reference Numbers 110, 112, 114 and 116 and Col. 3, lines 45-67**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the functions of cursor keys (i.e. moving a cursor on a display screen) as taught by Goodman in the information

processing apparatus taught by Fleck in order to perform mouse-like operations without the necessity of a flat, steady surface (**Goodman—Col. 1, lines 56-62**).

Fleck, as modified by Goodman, also fails to teach a switching means for rotating a display screen of said display by 90 degrees. Examiner cites Harada to teach a switching means (**Fig. 9, Reference Number 65B**) for rotating a display screen of a display by 90 degrees (**Col. 11, lines 19-30**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the use of a switching means as taught by Harada in the information processing apparatus taught by Fleck, as modified by Goodman in order to provide the user the option of displaying an image in portrait or landscape (**Harada—Col. 13, lines 17-21**).

As to **Claims 2 and 8**, Fleck, as modified by Goodman, teaches the cursor keys arranged along the periphery of the pointing device such that the pointing device is at the center of the cursor keys (**Fig. 3—note the position of cursor keys relative to the pointing device and Col. 3, lines 10-28**).

As to **Claims 5 and 10**, Fleck teaches that the confirmation button/means (**300**) confirms an item selected by said pointing device/means or said cursor keys/moving means by being pressed (**Col. 4, lines 40-58**).

As to **Claim 12**, Fleck teaches that said plurality of cursor keys are arranged around a periphery of the pointing device such that the pointing device is at the center of the cursor keys, and said confirmation key is arranged at a periphery of the cursor keys (**Fleck, Figure 3, note the cursor keys 302-308 arranged around a periphery of the pointing device 300, such that the pointing device is at the center of the**

***cursor keys, and the confirmation key 300 is arranged at the periphery (outside the boundary) of the cursor keys 302-308).***

3. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck, Goodman and Harada as applied to claims 1, 2, 5, 7, 8, 10 and 12 above, and further in view of Boehme et al. (U.S. Patent 6,512,670—herein referred to as “Boehme”).

As to **Claims 3 and 9**, Fleck, as modified by Goodman, teaches a display unit having a display housing on which the display is provided (***Fig. 1, Reference Number 108 and note the housing it is in***); and a hinge unit which connects the display unit and the main unit such that the display unit can pivot to open and close the ***keyboard*** (***Fig. 1, note Hinge Unit between the display unit and the main unit***), wherein the pointing device and the cursor keys are positioned near one end of the information processing apparatus along the axis of the hinge in an area between the display unit and the keyboard (***Figs. 1 and 3—note position of pointing device 300 and cursor keys 302-308 along the axis of the hinge and between the display unit and the keyboard***).

Fleck, as modified by Goodman, however, fails to teach the hinge unit including a hinge barrel and hinge pins disposed in the hinge barrel. Examiner cites Boehme et al. to teach an information processing apparatus having a hinge unit including a hinge barrel and hinge pins disposed in the hinge barrel (***Figs. 5-6 and Col. 4, lines 4-35***). At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to incorporate the use of a hinge unit as taught by Boehme et al. in the information processing apparatus taught by Fleck in order to be able to detach the display from the main unit (**Boehme et al.—Col. 4, lines 4-35**).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck and Goodman, Harada and Boehme as applied to claims 1-3, 5, 7-10 and 12 above, and further in view of Bhatia (U.S. Patent 6,288,895—hereinafter “Bhatia”).

As to **Claim 6**, Fleck, as modified by Goodman and Boehme, fails to teach air outlets arranged in a backside of said main unit. Examiner cites Bhatia to teach an air outlet arranged in a backside of a main unit (**Figs. 1 an 4a-4d, air outlets 29 and Col. 3, lines 8-12 and Col. 4, lines 18-19**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate an air outlet in the back side of a main unit as taught by Bhatia in the information processing apparatus taught by Fleck, as modified by Goodman and Boehme, in order to cool the apparatus by removing heat from the heat generating components (**Bhatia—Col. 1, lines 13-17**).

Bhatia, however, fails to specifically teach more than one air outlet arranged on the backside of the main unit. Therefore, Examiner cites *St. Regis Paper Co. V. Bemis Co., Inc.*, 193 USPQ 8, 11 (7<sup>TH</sup> Cir. 1977) to teach that it is well known to duplicate parts to obtain a multiplied effect. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to provide several air outlets, as supported by the case law above, in the information processing unit taught by Fleck, as modified by Goodman, Boehme and Bhatia, in order to cool the device more quickly.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck, Goodman and Harada as applied to claims 1, 2, 5, 7, 8, 10 and 12 above, and further in view of Bhatia.

As to **Claim 11**, Fleck, as modified by Goodman and Boehme, fails to teach air outlets arranged in a backside of said main unit. Examiner cites Bhatia to teach an air outlet arranged in a backside of a main unit (***Figs. 1 an 4a-4d, air outlets 29 and Col. 3, lines 8-12 and Col. 4, lines 18-19***). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate an air outlet in the back side of a main unit as taught by Bhatia in the information processing apparatus taught by Fleck, as modified by Goodman, in order to cool the apparatus by removing heat from the heat generating components (***Bhatia—Col. 1, lines 13-17***).

Bhatia, however, fails to specifically teach more than one air outlet arranged on the backside of the main unit. Therefore, Examiner cites *St. Regis Paper Co. V. Bemis Co., Inc.*, 193 USPQ 8, 11 (7<sup>TH</sup> Cir. 1977) to teach that it is well known to duplicate parts to obtain a multiplied effect. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to provide several air outlets, as supported by the case law above, in the information processing unit taught by Fleck, as modified by Goodman, Boehme and Bhatia, in order to cool the device more quickly.

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck, Goodman and Harada as applied to claims 1, 2, 5, 7, 8, 10 and 12 above, and further in view of Nakae et al. (USPGPUB 2004/0166829—hereinafter “Nakae”).

As to **Claim 13**, Fleck teaches that said confirmation key (**300**) and an auxiliary input button (**Fig. 3, hot key “desktop”**) are arranged at a periphery (**outside the boundary**) of the cursor keys (**See Fig. 3**). Fleck, as modified by Goodman and Boehme, fails to teach the placement of the switching button as well as the switching button and the auxiliary input button surrounding the cursor keys. Examiner cites Nakae to teach an information processing apparatus (**Fig. 1A**) having several keys/buttons (**14a, 14c, 14e, 14f, 14g and 14h**) surrounding the cursor keys (**14b**). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teachings of Nakae (i.e. encircling cursor keys with important keys/buttons) in the information processing unit taught by Fleck, as modified by Goodman and Harada, in order to provide quicker access to the important keys from the cursor keys. Furthermore, the combination of Fleck, Goodman, Harada and Nakae, yields that the switching button also surrounds the cursor keys.

#### ***Response to Arguments***

7. Applicant's arguments filed May 6, 2008 have been fully considered but they are not persuasive. The applicant argues that "the proposed modification, replacing the arrow keys 302-308 of Fleck with cursor movement keys 110-116 of Goodman would ***make the device of Fleck unsuitable for its intended purpose***. As described in MPEP §2143.01, if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or

motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). ***In this case, without arrow buttons 302-308, the device of Fleck cannot scroll across a page so that a user can eventually see the entire page on the small display.*** Therefore, the miniaturized device of Fleck needs arrow buttons 302-308 to access the entire screen. ***By replacing these arrow buttons with additional buttons for moving the cursor, the proposed combination makes the device of Fleck unsuitable for its intended purpose, which is to provide a compact device with an efficient way of displaying and selecting information.***

Accordingly, there can be no suggestion or motivation to combine Fleck and Goodman as proposed." (Emphasis added). The Examiner respectfully disagrees. Fleck teaches that the arrow keys 302-308 are used to incrementally pan the screen to the left, right up and down (Fleck, Col. 5, lines1-49). Goodman teaches that "the cursor movement keys 110-116 cause the cursor to ***move vertically or horizontally across the computer screen.***" (Emphasis added, Col. 3, lines 45-65). Goodman also teaches that "the cursor movement keys 110-116 may be further interpreted to provide adjustable pointer speeds so that the speed of the pointer as it ***moves across the screen*** is gradually increased in increments" (Emphasis added, Col. 4, lines 15-20). Thus as can be seen Goodman performs the same function as Fleck, that is, Goodman teaches scrolling across a page so that the user can eventually see the entire page, which is Fleck's intended purpose, because as it is well known in the art, the cursor will proceed to the next page if a user continuously holds down an arrow key. Furthermore, Goodman has the added functionality in that the arrow keys can perform mouse-like

operations with the necessity of a flat, steady surface, which is an advantage in combining it with Fleck. (See Goodman—Col. 1, lines 56-62).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Amadiz whose telephone number is (571) 272-7762. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. A./

Examiner, Art Unit 2629

8/2/08

/Alexander Eisen/

Supervisory Patent Examiner, Art Unit 2629